

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEF CADWELL,
#339620,

Plaintiff,

Civil Action No. 21-CV-11182

vs.

HON. BERNARD A. FRIEDMAN

BRODERICK FLESCHER, et al.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION, DENYING PLAINTIFF'S MOTION FOR LEAVE TO
AMEND THE COMPLAINT, AND DENYING PLAINTIFF'S MOTION FOR LEAVE
TO PROCEED ON APPEAL IN FORMA PAUPERIS**

This matter is presently before the Court on plaintiff's motions for reconsideration, for leave to amend the complaint, and for leave to proceed on appeal in forma pauperis (ECF Nos. 6, 7, and 8). Pursuant to E.D. Mich. LR 7.1(f)(2) and 7.1(h)(2), the Court shall decide these motions without a hearing.

The motion for reconsideration is denied because plaintiff has shown no error in the Court's opinion and order dismissing his complaint for failing to state an Eighth Amendment claim. *See Cadwell v. Flescher*, No. 21-CV-11182, 2021 WL 2682718, at *2 (E.D. Mich. June 30, 2021). The motion for leave to amend is denied because plaintiff has not met "the requirements for reopening a case established by Rules 59 or 60," *Pond v. Haas*, 674 F. App'x 466, 472 (6th Cir. 2016), he has failed to offer "a compelling explanation for failing to seek leave to amend prior to the entry of judgment," *id.* at 473 (internal quotation marks and citation omitted), and he has failed to explain how, precisely, he proposes to amend his complaint. Finally, plaintiff's motion for leave

to proceed on appeal in forma pauperis is denied because no appeal in this matter could be “taken in good faith.” 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated: July 22, 2021
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 22, 2021.

Josef Cadwell #339620
SAGINAW CORRECTIONAL FACILITY
9625 PIERCE ROAD
FREELAND, MI 48623

s/Johnetta M. Curry-Williams
Case Manager